

REMARKS**1. Claim Rejections – 35 U.S.C. §102**

Claims 1-3, 7-10 and 19-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,603,763 issued to Koshino (hereinafter "Koshino"). To support such rejection, Koshino must disclose every element of the invention as claimed. More particularly, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). With the above requirement in mind, Applicants respectfully submit that Koshino fails to disclose every element of the invention as specified in each independent claim.

According to the current Office Action, the Examiner indicates that [1] one of the packet switching devices of Koshino is similar to a Packet Control Function (PCF) and [2] Internet connection device 11 of Koshino is similar to a Packet Data Servicing Node (PDSN). *Office Action, page 2, paragraph 2*. Assuming *arguendo* that both indications are correct, Koshino still is *different* from the present invention because such packet switching device (PCF) of Koshino does not [1] generate a record of unique PDSN Id numbers (hereinafter "first limitation") and thereafter [2] select a PDSN in response to the number of PDSN Id numbers in the record (hereinafter "second limitation") for the following reasons.

First, why would the packet switching device (PCF) of Koshino generate a record of unique Internet connection device (PDSN) Id numbers when there is only one Internet connection device? There is simply no need for Koshino to do so because such Internet connection device 11 is the only one available, i.e., already unique. In contrast, the present inventive PCF is coupled to a plurality of PDSNs and thus does generate such record from which the present invention uses to select an appropriate PDSN for packet data communications. Thus, Koshino fails to disclose the first limitation.

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Second, on page 2 of the Office Action the Examiner has suggested assigning a private IP address to a packet received by the packet switching device is similar to generating a record of unique PDSN Id numbers. Based on their definitions, assigning and generating are inherently different. Even assuming *arguendo* that assigning is equivalent to generating, the packet switching device of Koshino would generate a record of private IP addresses and their corresponding mobile stations' ID numbers. More specifically, when the packet switching device receives a control packet having a mobile station's ID number as a source ID, the packet switching device selects one of the previously assigned private IP address and assigns such selected private IP address to the mobile station, which had transmitted the control packet. Thereafter, the mobile station uses such selected private IP address, instead of its ID number, as its source ID to transmit an outgoing packet to the packet switching device that in turn stores the correspondence of the selected private IP address and the mobile station's ID number in its memory 202. *See Koshino, column 4, lines 12-45 and Figure 4C.* Both of the stored private IP addresses and their corresponding mobile stations' ID numbers are obviously **different** from a record of unique PDSN Id numbers. Thus, Koshino fails to disclose the first limitation.

Third, since there is only one Internet connection device (PDSN) Koshino **must** use such only one Internet connection device (PDSN) for packet data communications and thus there is no selection involved, i.e., Koshino could **not** have disclosed "*selecting a PDSN in response to the number of PDSN Id numbers in the record.*" Thus, Koshino also fails to disclose the second limitation.

Regarding independent claims 1 and 7, each of them includes the first and second limitations, which are **not** disclosed by Koshino as discussed above. Accordingly, claims 1 and 7 are not anticipated by and patentably distinguishable over Koshino.

Regarding claims 2-3 and 8-10, they correspondingly depend from claims 1 and 7 and thus their rejections are moot.

Regarding independent claim 19, it specifies "each PCF includes a table with an ordered sequence of the n PDSN Id numbers cross-referenced with the IP addresses." Again assuming *arguendo* that the packet switching device of Koshino is similar to a PCF, such packet switching device includes memory 202 having a table with mobile stations' ID numbers, **not** PDSN Id numbers, cross-referenced with private IP addresses. In addition, claim 19 specifies "each PCF **selects** a first PDSN Id number for packet data communications with the first MS in response to the first MS Id." As discussed above regarding the second limitation, Koshino also fails to disclose this limitation since there is only one Internet connection device (PDSN) available for use and thus there is no selection involved. Thus, Koshino also fails to disclose all the limitations of independent claim 19.

Accordingly, independent claim 19 is not anticipated by and patentable distinguishable over Koshino.

Regarding claim 20, it depends from claim 19 and thus its rejection is moot.

2. Claim Rejections – 35 U.S.C. §103

Claims 19-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koshino. Before addressing this rejection in detail, it should be noted that the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. *MPEP 2142*. To establish *prima facie* case of obviousness, certain criteria must be met. **First**, the prior art reference or references when combined must teach or suggest all the claim limitations. **Second**, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. With the above requirements in mind, Applicants respectfully traverse this rejection. The reason for doing so is that the above discussion regarding independent claim 19 reveals that Koshino fails to teach or suggest all the limitations of such claim. Accordingly, claim 19 is believed to be non-obvious and patentably distinguishable over Koshino.

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Regarding claim 20, it depends from independent claim 19, which is believed to be patentable, and thus such claim 20 should also be non-obvious and patentably distinguishable over Koshino. *MPEP 2143.03*.

3. Allowable Subject Matter

The Examiner's indication that claims 4-6, 11-18 and 21-27 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims" is greatly appreciated.

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CONCLUSION

Claims 1-27 are presently standing in this patent application. In view of the foregoing remarks, each and every point raised in the Office Action mailed on May 18, 2004 has been addressed on the basis of the above remarks. Applicants believe all of the claims currently pending in this patent application to be in a condition for allowance. Reconsideration and withdrawal of the rejections are respectfully requested. However, should the Examiner believe that direct contact with Applicants' attorney would advance the prosecution of the application, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,



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